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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff,

vs.

iPAYMENT, INC., a foreign corporation;
NPMG ACQUISITION SUB, LLC, a
Tennessee corporation, d/b/a Principal
Payment Solutions,

Defendants.

CV

COMPLAINT
(JURY TRIAL DEMANDED)

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991, 42 U.S.C. § 1981a, against Defendants iPayment, Inc. (“iPayment”) and NPMG Acquisition Sub, LLC, doing business as Principal Payment Solutions (“NPMG”), to correct unlawful employment practices on the basis of race and to provide appropriate relief to Calvin Matthews, Tyrone Hunt, Michael Buckner, and a class of employees, who were adversely affected by such practices. The Equal Employment Opportunity Commission (“EEOC” or “Commission”) alleges that

1 Defendants subjected Mssrs. Matthews, Hunt, and Buckner and a class of employees to
2 unwelcome racial harassment, including racial slurs and comments by Defendants'
3 managers and/or employees, which created a hostile work environment because of the
4 Charging Parties' race.

5 **JURISDICTION AND VENUE**

6 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331,
7 1337, 1343 and 1345. This action is authorized and instituted pursuant to Section 706
8 (f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §
9 2000e-5(f)(1) and (3); and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §
10 1981a.

11 2. The employment practices alleged to be unlawful were committed within
12 the jurisdiction of the United States District Court for the District of Arizona.

13 **PARTIES**

14 3. Plaintiff, the Equal Employment Opportunity Commission (the
15 "Commission"), is the agency of the United States of America charged with the
16 administration, interpretation and enforcement of Title VII, and is expressly authorized to
17 bring this action by Section 706(f)(1) and (3) of Title VII, 42 U.S.C. §2000e-5(f)(1) and
18 (3).

19 4. Defendant iPayment, Inc., a Delaware corporation, has continuously been
20 doing business in the state of Arizona and has at all relevant times had at least fifteen
21 employees.

22 5. At all relevant times, Defendant iPayment has continuously been an
23 employer engaged in an industry affecting commerce within the meaning of Section
24 701(b), (g) and (h) of Title VII, 42 U.S.C. § 2000e (b), (g) and (h).

25 6. Defendant NPMG Acquisition Sub, ("NPMG") a Tennessee corporation,
26 has continuously been doing business in the state of Arizona and has at all relevant times
27 had at least fifteen employees.

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